

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 7:05-CR-00072-BR

UNITED STATES OF AMERICA

v.

JAMES SCOTT STEWART

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ORDER

This matter is before the court on defendant's 1 April 2015 motion for a hearing pursuant to 18 U.S.C. § 4247(h) to determine whether he still meets the criteria for commitment under 18 U.S.C. § 4243. On 9 July 2015, the undersigned held a hearing to make such a determination.

Defendant was found not guilty by reason of insanity on a charge of Travel in Interstate Commerce with the Intent to Kill, Injure, Harass, and Intimidate Another Person on 13 June 2007 and thereafter committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4243. Respondent was conditionally released by order filed 25 August 2009, (DE # 55), and he has remained on conditional release since that time. Under 18 U.S.C. § 4243(d), a defendant found not guilty by reason of insanity for an offense involving a substantial risk of bodily injury, such as the offense involved here, has the burden of proving to the court by clear and convincing evidence that his release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect.

Based on the evidence presented at the hearing, defendant has met this burden. Accordingly, IT IS HEREBY ORDERED, pursuant to 18 U.S.C. § 4243(f), that defendant be unconditionally released forthwith and that this file be closed.

This 9 July 2015.



W. Earl Britt
Senior U.S. District Judge